

REMARKS

The Rejection Under 35 USC § 101

The rejection under section 101 is overcome by the amendments to the form of claim 12.

The Rejection Under 35 USC § 102

Claims 1-3 and 8-13 are rejected as allegedly anticipated by Schauer et al., US '046.

The features of claim 8 are incorporated into claim 1. Nothing in Schauer teaches the type of effect pigments of claim 8, i.e., no holographic pigments, pearlescent pigments, interference pigments, multilayered pigments, metal-effect pigments, goniochromatic pigments and/or BiOCl pigments are mentioned anywhere in US '046. Instead, the reference teaches pigment types listed at the top of column 2, which are not even effect pigments and do not at all overlap the types of pigments of the claimed invention. The pigments listed at the top of column 2 are each made of the single ingredients, for example, titanium dioxide, iron oxide, or silicate, etc., particle or glass fiber, etc.

While the claimed effect pigments may be, for example, based on natural TiO₂ flakes, Fe₂O₃ flakes, or glass flakes, etc. (see claim 9), the claimed effect pigments do not consist merely of the TiO₂ flakes, Fe₂O₃ flakes, or glass flakes, etc. These are merely the cores of the claimed effect pigments on which, for example, various structures, layers, etc., are present per se to form an effect pigment.

As such, there is no anticipation.

The Rejection Under 35 USC § 103

Claims 1 and 4-7 are rejected as allegedly obvious over Winter et al, US '242.

The Office Action admits that US '242 does not explicitly recite terms such as "surface-modified pigments" or "LCST and/or UCST polymers." What is alleged is that the reference discloses polymers, pigments, and additives in a polymer film composition. Based on this, the Office Action makes the leap in logic that one would reasonably expect the film composition of Winter et al. to function as a "surface-modified effect pigment." No basis for such a leap in logic is provided. A film composition merely having various ingredients, even if the ingredients may contain components of the claimed invention, does not amount to a teaching or suggestion of a surface modified pigment which are sheathed with one or more layers of immobilised LCST and/or UCST polymer.

Additionally, even if the film may, for some undisclosed reason in the art, function as the pigments of the present invention, such is irrelevant. The claims herein are directed to pigments and not to a function or to a film having the function of a certain pigment.

Moreover, nothing in US '242 teaches or suggests anything regarding immobilizing layers of LCST and/or UCST polymers on the pigments, which is admitted by the Office Action. Also, nothing in US '242 teaches or suggests that even in a composition that may have for example, LCST and/or UCST polymers and pigments, among other ingredients, that layers of said polymers would form on the pigments. Thus, there is no basis for an expectation that the disclosure of US '242 would somehow teach or suggest the claimed invention.

For all the foregoing reasons, reconsideration is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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